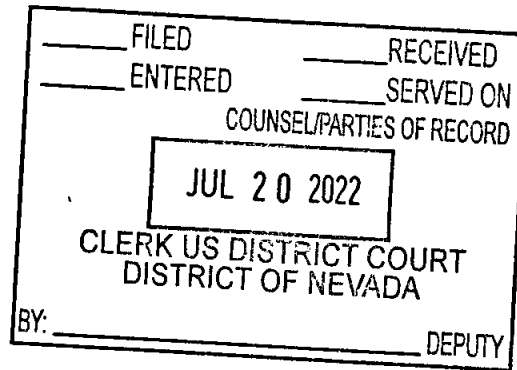


REMOVAL
JAMES WHITE
JEAN WHITE
34 BLACKBIRD LANE
ALISO VIEJO, CA 92656
TEL. (949) 632-5133
Defendants in pro per



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

5AIF JUNIPER 2, LLC, a foreign limited liability company,

Plaintiff,

vs.

JAMES WHITE, an individual; JEAN WHITE, an individual; DOES 1 through 10 and ROES BUSINESS ENTITIES 1 through 10, inclusive.

Defendants.

CASE NUMBER: 2:22-cv-01162-GMN-EJY

DEFENDANTS' REMOVAL OF ACTION

Complaint filed in the Eighth Judicial District Court, Clark County, Nevada on July 6, 2022 as Case Number A-22-855044-C and served upon Defendants on July 8, 2022

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REMOVAL OF ACTION

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT OF NEVADA;
PLAINTIFF AND PLAINTIFF'S COUNSEL OF RECORD AND ALL OTHER
PARTIES:**

1. PEASE TAKE NOTICE AND BE ADVISED that, in accordance with

1 Title 28 U.S.C. §1441, and § 1446, et seq., and other provisions of law Defendants hereby
2 removes the above captioned action from the Eighth Judicial District Court, Clark County,
3 Nevada to the United States District Court of Nevada. Defendants are entitled to removal
4 pursuant, but not limited to, 28 USC §§, 2201, 1331, and 1332. This case is removed from
5 the Eighth Judicial District Court, Clark County, Nevada to the United States District
6 Court of Nevada. Plaintiff's complaint alleges it is an attempt to collect a debt and that it
7 has complied with relevant laws and regulations when it has not and contains false claims
8 being made to federal and/or state agencies which implicates the FALSE CLAIMS ACTS
9 and other practices where Plaintiff with others has engaged in deceptive and misleading
10 business practices by its affiliates, associates or agents. Conduct involves but is not limited
11 to, making of false claims, harassment, breach of contract and fraud. Defendants file the
12 following Memorandum of Points and Authorities, and/or notice in support of the removal
13 is attached and incorporated herewith.

14 Please govern yourselves accordingly,

15
16 Dated this 20th day of July, 2022

17
18
19
20
21 X

JAMES WHITE

X

JEAN WHITE

**MEMORANDUM OF POINTS AND AUTHORITIES
NATURE OF COMPLAINT IN SUPPORT OF REMOVAL
OF ACTION FROM STATE COURT**

STATEMENT OF THE CASE

1. Defendants are informed and believe, and based on such information and beliefs, aver that Plaintiff 5AIF JUNIPER 2, LLC is a Delaware entity.
2. Defendants are residents of Aliso Viejo, California.
3. Complaint filed in the Eighth Judicial District Court, Clark County, Nevada on July 6, 2022 as Case Number A-22-855044-C and served upon Defendant on July 8, 2022.
4. Plaintiff is represented by GHIDOTTI BERGER LLP, located at 7251 W. Lake Mead Blvd., Ste. 470, Las Vegas, NV 89128.
5. A copy of the Record of the Proceedings and the summons and complaint are attached as **Exhibit 1**, and incorporated by reference.
6. Defendants are informed and believe, and based on such information and beliefs, aver that Plaintiff has and has joined with others in actions that affect foreign and interstate commerce, fraud, misconduct, breach of contract, harassment, slander, libel and false claims.
7. This removal is within 30 days of the filing and service of the action.
8. At all times material to this Complaint, Plaintiff's activities effect of trade or commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 2044, and or 18 U.S. C. §§ 1951, 1961-1968. Plaintiff's complaint or lawsuit arises from debt collection activities, and use of fraudulent conveyances,

1 conversions, deception and/or mortgage matters which cannot be litigated below
 2 in the Justice Court, Las Vegas Township, Clark County, Nevada.

- 3 9. This Removal is filed pursuant, but not limited to 28 U.S.C. §§1443(1) and
 4 1446 (b), which states:

5 *“a notice of removal may be filed within thirty days after receipt by*
 6 *the defendant, through service or otherwise, of a copy of an amended*
 7 *pleading, motion, order or other paper from which it may first be*
 8 *ascertained that the case is one which is or has become removable,*
 9 *except that a case may not be removed on the basis of jurisdiction*
 10 *conferred by section 1332 of this title [28 USCS § 1332] more than 1*
 11 *year after commencement of the action.”*

- 12
 13 10. The conduct asserted includes, but is not limited to, violations or matters within,
 14 Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), that prohibits "unfair or deceptive
 15 acts or practices in or affecting commerce." Or in connection with or parallel to
 16 Nevada Business and Professions codes that prohibiting such misrepresentations
 17 or deceptive omissions of material fact that constitute deceptive acts or practices
 18 prohibited by Section 8 5(a) of the FTC Act. Acts or practices are unfair under
 19 Section 53(b) of the FTC Act if they cause or are likely to cause substantial injury
 20 to Ernest and Nydia Pecoraro, their family and others.

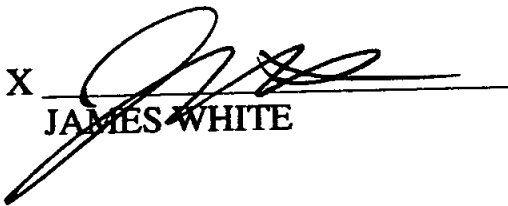
- 21 11. Defendants are informed and believe, and based on such information and belief,
 22 aver that this federal Court has and holds subject matter jurisdiction pursuant, but
 23 not limited to, 28 §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a), 1692 et
 24 seq., Venue is proper in this district under 28 U.S.C. §§ 15 1391(b) (2) and (c),
 25 and in nature of 15 U.S.C. § 53(b),.

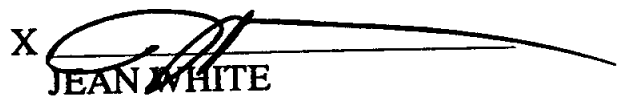
12. Defendants is informed and believe, and based on such information and beliefs, aver that the amount involved in this action is more than \$100,000.00. Defendants believe that the complaint and actions in the State proceeding with Plaintiff and its associates in fact or involves the use of fraudulent conveyances, and financial gimmicks made and done amongst themselves to fabricate the appearance of compliance with Nevada Revised Statutes.

13. For all the above-and-foregoing reasons, removal of this action from the Eighth Judicial District Court, Clark County, Nevada to the United States District Court of Nevada, as defined in 28 U.S. C. 84(c)(1) is proper pursuant to all relevant statutes and law.

Wherefore Defendants asks that the State Court Action be removed from the Eighth Judicial District Court, Clark County, Nevada to this Court and that this Court assume jurisdiction of the state action.

Dated this 20th day of July, 2022

X 
JAMES WHITE

X 
JEAN WHITE

CERTIFICATE OF SERVICE

I the undersigned hereby certify that I served the following documents(s):

REMOVAL OF ACTION

Removed from the Eighth Judicial District Court, Clark County, Nevada Case Number A-22-855044-C to the United States District Court of Nevada.

On the following interested parties or person(s) described as follows:

Matthew D. Dayton, Esq. - Nevada Bar No. 11552

Kevin S. Soderstrom, Esq. - Nevada Bar No. 10235

GHIDOTTI | BERGER LLP

7251 W. Lake Mead Blvd., Ste. 470

Las Vegas, NV 89128

Tel: (949) 427-2010

Fax: (949) 427-2732

mdayton@ghidottiberger.com

ksoderstrom@ghidottiberger.com

Attorneys for Plaintiff

- ☐ by CM/ECF
- ☐ by Electronic Mail
- ☐ by Facsimile Transmission
- ☒ by First Class Mail
- ☐ by Hand Delivery
- ☐ by Overnight Delivery

Dated this 20th day of July, 2022

X


JEAN WHITE

EXHIBIT – 1

EXHIBIT – 1

1 **SUMM**

2 Matthew D. Dayton, Esq.
3 Nevada Bar No. 11552
4 Kevin S. Soderstrom, Esq.
5 Nevada Bar No. 10235
6 **GHIDOTTI | BERGER LLP**
7 7251 W. Lake Mead Blvd., Ste. 470
8 Las Vegas, NV 89128
9 Tel: (949) 427-2010
10 Fax: (949) 427-2732
11 mdayton@ghidottiberger.com
12 ksoderstrom@ghidottiberger.com
13 Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY NEVADA

14 5AIF JUNIPER 2, LLC, a foreign limited
15 liability company,

16 Plaintiff,

17 v.

18 JAMES WHITE, an individual; JEAN
19 WHITE, an individual; DOES 1 through
20 10 and ROE BUSINESS ENTITIES 1
21 through 10, inclusive,

22 Defendants.

Case No.: A-22-855044-C
Dept.: 27

SUMMONS

23 **"NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**
24 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 21 DAYS.**
25 **READ THE INFORMATION BELOW CAREFULLY.**

26 TO: _____;

27 TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s)
28 against you. The Plaintiff is seeking the relief requested in the Complaint, including
relief for breach of contract, declaratory relief, and a deficiency judgment against you.

1. If you intend to defend this lawsuit, within 21 calendar days after this
Summons is served on you (not counting the day of service), you must do the
following:

1 a. File with the Clerk of this Court, whose address is shown below, a
2 formal written response to the Complaint in accordance with the rules of
3 the Court, with the appropriate filing fee, or an Application to Proceed in
4 Forma Pauperis and request for a waiver of the filing fee.

5 b. Serve (by mail or hand delivery) a copy of your response upon the
6 attorney whose name and address is shown below.

7 2. Unless you respond, your default will be entered upon application of the
8 Plaintiff(s) and failure to so respond will result in a judgment of default
9 against you for the relief demanded in the Complaint, which could result in
10 the taking of money or property or other relief requested in the Complaint.

11 3. If you intend to seek the advice of an attorney in this matter, you should do
12 so promptly so that your response may be filed in time.

13 4. The State of Nevada, its political subdivisions, agencies, officers,
14 employees, board members, commission members and legislators each have
15 45 days after service of this Summons within which to file an Answer or
16 other responsive pleading to the Complaint.”

17 **Information and forms to assist you are available, free of charge, at the Civil Law Self
18 Help Center at the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada,
19 and on the center's website at www.civillawselfhelpcenter.org.**

20 If you fail to respond, the Plaintiff can request your default. The court can then enter
21 judgment against you for the relief demanded by the Plaintiff in the complaint, which could
22 result in money or property being taken from you or some other relief requested in Plaintiff's
23 complaint.

24 If you intend to seek an attorney's advice, do it quickly so that your response can be
25 filed on time.

26 CLERK OF COURT

7/6/2022

27 By:

28 Date:

Deputy Clerk

Regional Justice Center, 200 Lewis Avenue
Las Vegas, Nevada 89155

GHIDOTTI | BERGER LLP

/s/ Kevin S. Soderstrom, Esq.

Kevin S. Soderstrom, Esq.

Nevada Bar No. 10235

ksoderstrom@ghidottiberger.com

Attorneys for Plaintiff

Demond Palmer